

2. Each Generic Defendant (Barr, Teva, Ranbaxy and Mylan) may file a supplemental opening brief not to exceed 12 pages in length focusing on issues specific to that Generic Defendant. Any such briefing must not be duplicative of the arguments raised in the combined briefing.

BY THE COURT:

Hon. Mitchell S. Goldberg, J.

2. In an effort to streamline the presentation of the issues for the convenience of the parties and the Court, the Generic Defendants believe they will be able to combine briefing on issues common to all Generic Defendants. Accordingly, the Generic Defendants seek clarification that, instead of each potentially filing three separate 50-page opening briefs (one in each case, for a total of 600 pages), they may jointly file one consolidated opening brief in all of the above-captioned dockets not to exceed 80 pages in length.

3. Because at the time of the settlements, each of the Generic Defendants was an independent company defending its own patent litigation and making an independent decision whether or not to settle its patent case, there may be defendant-specific summary judgment issues. Thus, each Generic Defendant (Barr, Teva, Ranbaxy and Mylan) additionally requests the right to file a supplemental opening brief not to exceed 12 pages that would focus only on issues specific to that Generic Defendant. Any such briefing would not be duplicative of the arguments raised in the combined briefing.

4. This consolidated briefing will both limit the overall number of pages of briefing the Court will receive and is intended to streamline the presentation of the issues for the Court's convenience. The Generic Defendants will make every effort to streamline their arguments and prevent unnecessary briefing; however, even were the Generic Defendants to use every page of briefing requested here, the total number of pages would still be less than the 150 pages of briefing permitted the Generic Defendants at the Motion to Dismiss stage and the total pages permitted under the Court's April 27 Order.

CONCLUSION

For the foregoing reasons, the Generic Defendants request the Court grant leave to file briefs in support of motion(s) for summary judgment as outlined in this Motion.

August 23, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on the 23rd day of August 2011 he caused to be filed electronically the foregoing GENERIC DEFENDANTS' MOTION FOR LEAVE TO FILE CONSOLIDATED SUMMARY JUDGMENT BRIEFING using the CM/ECF system, which will send e-mail notification of the filing to all counsel of record.

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Attorney